



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: July 23, 2014

Sponsored by Council Members: Motsavage, Mihalko, Berg, Matzo

Introduced by Committee: Public Works/Parks & Recreation

*entitled*  
A RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN A MODIFICATION CONSENT ORDER  
WITH THE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION FOR  
THE BINGHAMTON-JOHNSON CITY JOINT  
SEWAGE TREATMENT PLAN CASE NO. R7-  
20110628-59

WHEREAS, the City of Binghamton and the Village of Johnson City are joint owners of the Binghamton-Johnson City Joint Sewage Treatment Plant ("JSTP"); and

WHEREAS, on May 15, 2011, the JSTP suffered a wall failure at the BAF C-Cell Complex; and

WHEREAS, on September 7 and 8, 2011, the Susquehanna River flooded, causing significant damage to the JSTP, which forced the JSTP to either bypass completely or to provide only primary treatment plus disinfection; and

WHEREAS, the above-mentioned incidents have resulted in violations of Article 17 of the New York State Department of Environmental Conservation Law, and of Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Parts 703 and 750; and

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 11-116 on December 7, 2011, entitled "A Resolution Approving the Department of Environmental Conservation Proposed Consent Order for the Binghamton-Johnson City Joint Sewage Treatment Plant"; and

WHEREAS, the City of Binghamton wishes to adopt a Modification Consent Order as annexed hereto.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor of the City of Binghamton is hereby authorized to enter into a Modification Consent Order with the New York State Department of Environmental Conservation, as annexed hereto and approved as to form and content by the Office of Corporation Counsel.

I hereby certify the above to be a true copy  
of the legislation adopted by the Council  
of the City of Binghamton at a meeting  
held on 7/23/14. Approved by the  
Mayor on 7/25/14.

A handwritten signature in dark ink, appearing to read "Doug Holmes", is written over the certification text.

Introductory No. R14-51

Permanent No. R14-50

Sponsored by City Council Members:  
Motsavage, Mihalko, Berg, Matzo

A RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN A MODIFICATION CONSENT ORDER  
WITH THE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION FOR THE  
BINGHAMTON JOHNSON CITY JOINT SEWAGE  
TREATMENT PLAN CASE NO. R7-20110628-59

The within was adopted by the Council of the City of  
Binghamton.

Date June 23, 2014  
Charles Holmes  
City Clerk

Date June 24, 2014  
Presented to Mayor

Date 7/25/14  
Approved  
Richard C. Davis  
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia		✓		
Webb	✓			
Papastrat				✓
Matzo	✓			
Berg	✓			
Total	5	1	0	1

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

5 Ayes 1 Nays 0 Abstain 1 Absent

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X  
In the Matter of Violations of Article 17 of the New York State  
Environmental Conservation Law and of Title 6 of the Official  
Compilation of Codes, Rules, and Regulations of the State of New  
York, Parts 703 and 750, by

MODIFICATION  
CONSENT  
ORDER

CITY OF BINGHAMTON,  
VILLAGE OF JOHNSON CITY, and  
BINGHAMTON-JOHNSON CITY JOINT SEWAGE  
BOARD

CASE NO.  
R7-20110628-59

Vestal (T)  
Broome County, New York,

Respondents  
-----X

1. The New York State Department of Environmental Conservation ("the Department") is responsible for the administration and enforcement of Article 17 of the New York State Environmental Conservation Law ("ECL") and of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York ("6 NYCRR") Parts 703 and 750, promulgated pursuant thereto.

2. The City of Binghamton ("Respondent Binghamton") is a municipal corporation organized and existing under the laws of the State of New York and is located in Broome County, New York.

3. The Village of Johnson City ("Respondent Johnson City") is a municipal corporation organized and existing under the laws of the State of New York and is located in Broome County, New York.



8. The Department and the Respondents are entering into this Modification Consent Order to modify the terms of the 2012 Consent Order, as modified, so as to allow the use of an alternate biological aerated filter (BAF) technology while still meeting the current completion due date for restoring the Facility to full operation.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Compliance. Respondents shall comply with the provisions, terms, and conditions set forth in this Modification Order. Respondents' failure to comply with any provision of this Order shall constitute a default and a violation of this Order and, upon such default and violation, the Department's right to pursue all claims and remedies administratively, at law, or in equity shall not be affected by anything contained in this Order.

II. Schedule for Compliance. Respondents shall fully comply with the Schedule for Compliance set forth as Schedule A to this Modification Order.

III. Interim Effluent Limits. Schedule B to this Modification Order sets forth the interim effluent limitations and monitoring requirements currently in effect for the Facility and supersedes Schedule B to the 2012 Consent Order, as modified.

IV. Previous Orders. All provisions, terms, and conditions of the 2012 Consent Order and the letters of modification dated May 13, 2013, and June 10, 2013, shall remain in full force and effect except as expressly modified by this Modification Consent Order.



CONSENT BY RESPONDENT

Respondent City of Binghamton hereby consents to the issuing and entering of this Order without further notice, waives the right to notice and hearing herein, and agrees to be bound by the provisions, terms, and conditions contained herein.

CITY OF BINGHAMTON, by:

Signature

Richard C. David

Printed Name

Richard C. David

Title

Mayor

Date

7/25/14

STATE OF NEW YORK )

: ss.:

COUNTY OF Broome )

On the 20<sup>th</sup> day of July in the year 2014, before me, the undersigned, personally appeared Richard C. David, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as Mayor of the City of Binghamton, and that by (her)(his) signature on the instrument, the municipal corporation upon behalf of which the individual acted executed the instrument.

Kenneth J. Frank  
NOTARY PUBLIC

-5-

KENNETH J. FRANK  
Notary Public - State of New York  
No. 02FR4807631  
Qualified in Broome County  
Commission Expires April 30, 2018





## CONSENT BY RESPONDENT

Respondent Binghamton-Johnson City Joint Sewage Board hereby consents to the issuing and entering of this Order without further notice, waives the right to notice and hearing herein, and agrees to be bound by the provisions, terms, and conditions contained herein.

**BINGHAMTON-JOHNSON CITY  
JOINT SEWAGE BOARD, by:**

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEW YORK )  
 : ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2014, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as \_\_\_\_\_ of the Binghamton-Johnson City Joint Sewage Board, and that by (her)(his) signature on the instrument, the municipal board upon behalf of which the individual acted executed the instrument.

NOTARY PUBLIC



- d. The workplan shall provide for completion of Facility construction by April 1, 2017, and for the Facility to meet final permit effluent limits by August 1, 2017.
  - e. Upon Department approval, Respondents shall follow the approved workplan and engineering report and shall submit the required documents, complete reconstruction, and restart operation of each component process in accordance with Department approvals.
5. **Interim Operating Strategy:**
- a. By September 30, 2014, Respondents shall submit for Department approval their proposed interim operating strategy for the Facility. The strategy shall outline how the existing plant will operate during both normal flow conditions and wet weather conditions until plant repairs are completed and how each of the Facility's component processes will be phased back into operation.
  - b. Upon Department approval, Respondents shall operate the Facility in accordance with the approved strategy.
  - c. The Department recognizes that this strategy is a living document. As additional process components are phased into operation, Respondents shall modify the approved strategy to incorporate each additional component by submitting the proposed modification for Department review and approval and operating the Facility in accordance with the approved modification.
  - d. Respondents shall continue operating the Facility in accordance with the approved Interim Operating Strategy currently in effect until a new strategy is approved under this paragraph.
6. **Interim Effluent Limits:**
- a. At each phase of Facility repair and as each component process unit becomes operational, Respondents shall model the Facility's effluent for flows during cold weather (December 1 thru April 30) and warm weather (May 1 thru November 30) with the purpose of developing interim effluent limits for CBOD<sub>5</sub>, total suspended solids, ammonia, settleable solids, total residual chlorine, TKN, and iron.
  - b. In accordance with the approved work plan schedule required under Sub-Paragraph 4.c of this Schedule for Compliance, Respondents shall submit for Department approval a report containing the modeling results, the maximum flow which the Facility is capable of receiving and treating during each interim period, and proposed interim effluent limits for CBOD<sub>5</sub>, total suspended solids, ammonia, settleable solids, total residual chlorine, TKN, and iron to take effect during each phase of interim operation and continue in effect until the Facility is able to meet its permit limits.



**Schedule B**  
**Interim Effluent Limits**

**INTERIM PERMIT LIMITS, LEVELS AND MONITORING**

OUTFALL No.	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Susquehanna River	June 1, 2013	To Be Determined (Footnote 3)

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly average			Monitor	mgd	Continuous	Recorder	X		
cBOD <sub>5</sub>	Monthly average	Monitor	mg/l	21,600	lbs/d	Daily	24-hr comp	X	X	1,2
cBOD <sub>5</sub>	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Solids, Suspended	Monthly Average	Monitor	mg/l	11,100	lbs/d	Daily	24-hr comp	X	X	1,2
Solids, Suspended	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, Ammonia (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Total Nitrogen (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, TKN	Daily Maximum	Monitor	mg/l	Monitor	lbs/d	1/week	24-hr comp	X	X	
Settleable Solids	Daily Maximum	Monitor	ml/l			6/ Day	Grab	X	X	
Total Residual Chlorine	Daily Maximum	2.0	mg/l			6/day	Grab		X	
Iron, Total Recoverable	Monthly Average	Monitor	mg/l	1,300	lbs/d	Monthly	24-hr comp		X	2

**FOOTNOTES**

1. Respondents shall report the percent removal of influent values for cBOD<sub>5</sub> & TSS.
2. The effluent limitation applies when plant flow is 35 MGD or less; Monitor only when plant flow is greater than 35 MGD.
3. These current interim limits shall remain in effect until superseding limits can be phased in under Paragraph 6 of the Schedule for Compliance at Schedule A of this Modification Order. Each set of interim limits shall in turn be superseded by the evolving limits allowed by the subsequent phase of repairs to the Facility, until repairs are completed and the Facility is fully operational. This Schedule B shall be modified at each appropriate phase, to reflect the interim limits then in effect.

DATE		TIME		LOCATION		OBSERVATIONS	
1944	10/10	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/11	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/12	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/13	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/14	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/15	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/16	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/17	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/18	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/19	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/20	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/21	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/22	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/23	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/24	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/25	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/26	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/27	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/28	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/29	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/30	10:00	10:30	10:30	10:30	10:30	10:30
1944	10/31	10:00	10:30	10:30	10:30	10:30	10:30